

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 08-021
V.	*	SECTION: "C" (1)
ENERGY PARTNERS, LTD.	*	

* * *

FACTUAL BASIS

Should this matter go to trial, the government would prove the following facts through competent testimony and evidence:

A representative from the Louisiana Department of Environmental Quality (LDEQ) would testify that on or about February 16, 2006, he discovered motor oil inside and outside the earthen containment levee of **ENERGY PARTNERS, LTD. (EPL)**'s East Bay field Central facility (Facility). He would testify that the Facility is located at the mouth of the Mississippi River and that the refuse oil he discovered was found in a tidally influenced canal connected to the Mississippi River, a navigable water of the United States. He determined that the motor oil was originating from a Facility compressor that had been damaged from Hurricane Katrina.

He would further testify that on a return inspection visit to the Facility on approximately February 21, 2006, he observed that no booms were in place to contain the oil from spreading further and that no steps had been taken to remove the motor oil. However, after this date, EPL satisfactorily cleaned up the refuse from the Mississippi River and the Facility containment area.

An employee from EPL would testify that on February 16, 2006, motor oil from the compressor had leaked into the primary containment area and was being washed over the containment area to the canal. He would further agree that the refuse oil was found in the canal upon the return inspection visit by LDEQ on February 21, 2006. He would also testify that the incident on February 16, 2006 did not arise as a consequence of EPL's normal or routine production of oil and gas, but as a consequence of post-Katrina repairs and/or damages and involved a minimal volume of oil. A representative from EPL's headquarters at located at 201 St. Charles Avenue, Suite 3400, New Orleans, LA, would testify as to the costs of the complete clean up of the area.

ENERGY PARTNERS, LTD.
By its President

Dorothy Manning Taylor
Assistant United States Attorney

Pauline Hardin, Esq.
Attorney for defendant